

Chicago Judge Refuses To Quit Panther Case

By a Washington Post Staff Writer

CHICAGO, April 30—Cook County Judge Joseph A. Power refused today to disqualify himself from presiding over a grand jury investigation of the police killing of two Black Panthers in December, 1969.

He dismissed without comment a petition for his removal filed by the American Civil Liberties Union and two other groups that charged he had developed "marked personal feelings" about the case.

The ACLU, the Chicago Council of Lawyers and the Businessmen for the Public Interest are the three groups whose petitions originally led to creation of the special grand jury investigating the deaths of Panthers Fred Hampton and Mark Clark.

Running Battle

Judge Power, Chief Judge of the Criminal Courts, subsequently appointed himself to preside, and for 10 days he has the special prosecutor, Barnabas F. Sears.

Last Monday, he fined Sears \$50 an hour and cited him for contempt for refusing to call more witnesses, before the grand jury. Before that, it had been reliably reported that the panel had voted to indict State's Attorney Edward V. Hanrahan for obstructing justice during investigations that

followed the fatal police raid on the Panthers' apartment.

Sears publicly denounced the judge for interfering improperly with the grand jury. Judge Power responded that he had been personally embarrassed by Sears' remarks.

That and other retorts by Judge Power were cited today by the ACLU as reasons for him to remove himself.

Bar's Bid Blocked

Judge Power also refused today to permit a lawyer for the Chicago Bar Association to intervene in the case. The bar group wanted to oppose in court three separate petitions aimed at disbanding the grand jury and suppressing any indictments.

Both petitions had been filed by police involved in the fatal raid, by three assistant state's attorneys involved in subsequent investigations, and by a Chicago police sergeant also active in the investigation that concluded the police raiders were innocent of misconduct.

Hearings on all three motions to dismiss the grand jury were scheduled for May 10. Sears, meanwhile, said the grand jury will resume meeting next week. His \$50-an-hour fine still is in effect and by mid-day amounted to nearly \$5,000.